

Remarks/Arguments

Claims 1-10 are pending in the application. Claims 1, 2 and 7-9 are rejected. Claims 3-6 and 10 are objected to. Claims 1-10 are currently canceled. Claims 11-25 are new.

Applicant amends paragraphs [0018]-[0020], [0022] and [0023] of the specification to clarify the subject matter. Applicant submits that these amendments add no new subject matter and that the Application as originally filed provides full support for the amendments. For example, support for the amendments of paragraphs [0018]-[0020] may be found in the specification in Figures 1-4.

Applicant further amends by introducing new claims 11-25. Applicant submits that these amendments add no new matter and that the Application as originally filed provides full support for the new claims. For example, support for the new claims may be found in the specification in paragraphs [0007]-[0011], [0018]-[0025] and in Figures 1-4.

Applicant notes that the claim set, as amended, now includes 1 independent claim (i.e., Claim 11) and has 25 claims total. Claims 1-10 are cancelled. Claims 11-25 are newly added. Therefore, no fees are due. However, if needed, any fees due are authorized to be charged as set forth below.

Applicant further notes that this Amendment and Response is being filed within the three month shortened statutory period and, as such, no extension of time is required. However, if any such extension of time is determined to be required, this shall serve as a request for any such required extension, pursuant to 37 CFR 1.136.

In view of the claims as set forth above and the remarks below, Applicant respectfully submits that all claims patentably distinguish over the cited references and are in condition for allowance.

Drawings: The Action states no drawings have been submitted to accompany the specification. Applicant submits that drawings of Figures 1-4 were submitted with the filing of US Application No. 10/560,211.

On December 9, 2005, Applicant made a submission under 35 USC 371(c)(2) in the United States of International Application No. PCT/EP04/04581. The submission includes a copy of the international application having three drawing sheets, showing Figures 1-4. The drawing sheets are part of the file history as shown in the image file wrapper in PAIR in the Documents Submitted with 371 Applications on December 9, 2005. Additionally, Application No. 10/560,211 published on April 5, 2007 showing Figures 1-4.

Therefore, Applicant submits that drawings were furnished under 37 CFR 1.81(c) to accompany the instant U.S. specification.

Claim objections: The Action objects to claims 3-6 and 10 as being of improper form for failing to further limit the subject matter of a previous claim. Claims 1, 8 and 9 are objected to for containing terms lacking antecedent basis. Applicant submits that the current amendments make the objections moot.

Claim Rejections -- 35 USC § 102: The Action rejects claims 1, 2 and 7-9 under 35 USC 102(b) as anticipated by Japanese Publication Number 2002 144013 (JP '013). Applicant respectfully traverses the rejection.

Applicant submits that the abstract of JP'013 fails to disclose every limitation as currently claimed in new claims 11-25. The abstract of JP '013 discloses a die casting apparatus. A runner tube 3 is immersed into a crucible 40 at one end and rotatable to a pump spouting hole at the other end. The runner tube is 3 is separated from the metering pump assembly 42. In the claimed invention, however, a discharge pipe together with the metering pump form part of a

metering unit designed as a single crucible insert with a cover flange attachable to the cover of the crucible. Furthermore, in the claimed invention, the pressure side of the metering pump is connected via a U-shaped connection pipe with the lower end of the discharge pipe.

Applicant submits that the Action is traversed in view of the current amendments and arguments above.

Applicant objects to the Conclusion referring to the prior art made of record. Mancusi teaches an apparatus for transferring liquid from one container to another or for degassing operations. Here also, the apparatus shows a pump separate from the transfer means, whereas in the claimed invention the pump part is connected to the discharge pipe.

Applicant further requests correction of the record of form PTO-892 for erroneous citation as prior art of the publication of the instant specification, US-2007/0074844.

In view of the foregoing, Applicant requests that the Action's rejections be reconsidered and withdrawn.

Nothing herein should be deemed as a disclaimer or surrender of any rights, an acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein or otherwise in the prosecution of this application. Applicant reserves all rights and subject matter with respect to claims being or to be pursued in this or a related application.

CONCLUSION


Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any fees, including extension fees, or to charge any additional fees or underpayments, or to credit any overpayments, to the Credit Card account referenced on the accompanying Credit Card Payment form (PTO-2038). As an alternative, in case the Credit Card cannot be processed, the Commissioner is hereby

authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

Date: December 1, 2008



Hilde Coeckx, Reg No. 57,506
P. O. Box 2200
Hillsboro, OR 97123
Telephone: (503) 844-9009
Facsimile: (503) 296-2172
email: mail@ganzlaw.com